

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-5 WILLIAM T. PHILLIPS,

Defendant.

Case No. 2:17-cr-20632-5

HONORABLE STEPHEN J. MURPHY, III

ORDER DENYING DEFENDANT'S REQUESTS [164, 165, 167]

On July 18, 2018, the Court sentenced Defendant William T. Phillips to 396 months' imprisonment after he pleaded guilty to one count of child exploitation enterprise in violation of 18 U.S.C. § 2252A(g). *See* ECF 153, PgID 2303–04. On February 20, 2019, the Court appointed the Federal Community Defender of the Eastern District of Michigan to represent Phillips post-conviction. ECF 161. Mr. Michael Skinner accepted the appointment. But on May 10, May 28, and July 17, 2019, Phillips filed pro se motions in the case. ECF 164, 165, 167 (under seal).

"Although the Sixth Amendment guarantees defendants the right to conduct their own defense and even represent themselves, the right of self-representation does not include the right to proceed in a hybrid manner" through both "counsel and *pro se*" motions. *United States v. Dehar*, No. 07-20558, 2008 WL 4937855, at *1 (E.D. Mich. Nov. 14, 2008) (citing *McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984) and *United States v. Mosley*, 810 F.2d 93, 97–98 (6th Cir. 1987)) (internal citation omitted). The Court will therefore deny the pro se motions and instructs Phillips

that he "should seek relief from this Court through his Court-appointed attorney," Mr. Skinner. *See id.*

Phillips's most recent motion requests that the Court seal his plea hearing and sentencing hearing transcripts, pending the redaction of the transcripts. ECF 167 (under seal). Although the Court will deny the motion because it was filed improperly, the government does not oppose the request. *See* ECF 168 (under seal). And a seal placed only until the transcripts can be appropriately redacted is "narrowly tailored" to the "compelling reason" of protecting Phillips's safety and does not undermine the public's interest in the transcripts. *See Rudd Equip. Co. v. John Deere Constr. & Forestry Co.*, 834 F.3d 589, 593–94 (6th Cir. 2016). The Court will therefore seal the transcripts until they are appropriately redacted.

WHEREFORE, it is hereby **ORDERED** that Defendant's request for disclosure of information regarding defense counsel conflicts [164] is **DENIED**.

IT IS FURTHER ORDERED that Defendant's request for copies of CJA vouchers [165] in this case is **DENIED**.

IT IS FURTHER ORDERED that Defendant's request to seal [167] (under seal) is **DENIED**.

IT IS FURTHER ORDERED that the Clerk of the Court shall **SEAL** the transcripts of Defendant Phillips' plea hearing and sentencing hearing [157, 162] until further order of the Court.

IT IS FURTHER ORDERED that Plaintiff United States of America and Defendant Phillips, by and through his counsel, Mr. Skinner, shall **SUBMIT** a joint

status report no later than **August 7, 2019**, explaining who is responsible for requesting the relevant redactions to the transcript.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: July 29, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 29, 2019, by electronic and/or ordinary mail.

s/ David P. Parker
Case Manager